

AN ACT making appropriations for the operations, maintenance, support, and functioning of the judicial branch of the government of the Commonwealth of Kentucky and its various officers, boards, commissions, subdivisions, and other state supported activities.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

PART I

OPERATING BUDGET

There is appropriated out of the General Fund, restricted funds accounts, or federal funds accounts for the fiscal year beginning July 1, 1998, and ending June 30, 1999, and for the fiscal year beginning July 1, 1999, and ending June 30, 2000, in the following sums to be used for the purposes of the judicial branch of the government of the Commonwealth of Kentucky including the Supreme Court, Court of Appeals, Circuit Court, District Court, the Administrative Office of the Courts, pretrial services, juvenile services, judicial boards and commissions, the State Law Library, judicial retirement, local facilities fund and for services performed by the Circuit Clerk's offices, including both Circuit and District Court support. For column display purposes in this Act, 1999-00 represents fiscal year 1999-2000.

|  | 1998-99     | 1999-00     |
|--|-------------|-------------|
| 1. Court of Justice                    |             |             |
| a. Court operations and administration |             |             |
| General Fund                           | 118,598,100 | 128,152,600 |
| Restricted Funds                       | 4,402,000   | 4,440,000   |
| Federal Funds                          | 610,000     | 444,000     |
| Total                                  | 123,610,100 | 133,036,600 |

Funds are included to provide a five percent (5%) salary adjustment in fiscal year 1998-99 and in fiscal year 1999-2000 for nonelected court personnel. Included are funds to provide for a five percent (5%) salary adjustment for justices, judges, and circuit clerks

in fiscal year 1998-99 and a five percent (5%) adjustment for the justices, judges, and circuit clerks in fiscal year 1999-2000. Restricted funds of \$700,000 in each fiscal year are included for the Jefferson County Court technology improvement system as described in Part II, Capital Projects Budget.

b. Local facilities fund

|              | 1998-99    | 1999-00    |
|--------------|------------|------------|
| General Fund | 27,091,500 | 32,934,100 |

Included in the above appropriation are moneys to compensate local units of government for providing court space and for costs incurred in the development of local court facilities as defined in KRS Chapter 26A and provided in Part II of this Act, and to perform all other acts required or authorized by KRS Chapter 26A.

Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 1997-98 shall not lapse but shall continue into fiscal year 1998-99 and any unexpended balance at the close of fiscal year 1998-99 shall not lapse, but shall be continued into fiscal year 1999-2000.

|                        | 1998-99     | 1999-00     |
|------------------------|-------------|-------------|
| Total Court of Justice |             |             |
| General Fund           | 145,689,600 | 161,086,700 |
| Restricted Funds       | 4,402,000   | 4,440,000   |
| Federal Funds          | 610,000     | 444,000     |
| Total                  | 150,701,600 | 165,970,700 |

2. Judicial Form Retirement System

|              | 1998-99   | 1999-00   |
|--------------|-----------|-----------|
| General Fund | 6,407,500 | 6,418,000 |

General Fund amounts are included to provide for the 1997 actuarial assessed needs of the Judicial Form Retirement System. Included in the above General Fund

appropriation is \$135,000 in each fiscal year contingent upon passage of enabling legislation related to the judicial retirement plan.

### TOTAL - OPERATING BUDGET

|                  | 1998-99     | 1999-00     |
|------------------|-------------|-------------|
| General Fund     | 152,097,100 | 167,504,700 |
| Restricted Funds | 4,402,000   | 4,440,000   |
| Federal Funds    | 610,000     | 444,000     |
| TOTAL            | 157,109,100 | 172,388,700 |

## PART II

### CAPITAL PROJECTS BUDGET

#### A. Court Facility Use Allowance Contingency Fund

|              | 1998-99 | 1999-00   |
|--------------|---------|-----------|
| General Fund | 500,000 | 1,422,500 |

General Fund amounts are included to provide for cost overruns in court facility projects authorized by the 1996 General Assembly and the 1998 General Assembly not to exceed fifteen percent (15%) of the use allowance. Any overrun, not to exceed fifteen percent (15%), shall be approved by the Court Facilities Standards Committee and reported to the Capital Projects and Bond Oversight Committee. The director of the Administrative Office of the Courts may authorize the transfer of funds to the Court of Justice Operating Budget as required for any authorized cost overruns.

#### B. Court Designated Worker Case Management System

|              | 1998-99 |
|--------------|---------|
| General Fund | 500,000 |

General Fund amounts are appropriated in the capital budget for implementation of the court designated worker case management system. The director of the Administrative Office of the Courts may authorize the transfer of funds to the Court of Justice Operating Budget as necessary to implement this system. Inasmuch as the identification of specific

equipment cannot be ascertained with absolute certainty at this time, amounts are appropriated for specific purposes for equipment items which are not individually identified in this Act related to the implementation of the court designated worker case management system. Any individual equipment item estimated to cost over \$100,000 shall be reported to the Capital Projects and Bond Oversight Committee.

C. Jefferson County Court Technology Improvement System

|                  | 1998-99 | 1999-00 |
|------------------|---------|---------|
| Restricted Funds | 700,000 | 700,000 |

Restricted Funds are included in the Operating Budget for implementation of the Jefferson County court technology improvement system. Inasmuch as the identification of specific equipment cannot be ascertained with absolute certainty at this time, amounts are appropriated for specific purposes for equipment items which are not individually identified in this Act related to the implementation for the Jefferson County court technology improvement system. Any individual equipment item estimated to cost over \$100,000 shall be reported to the Capital Projects and Bond Oversight Committee.

D. Local Facility Projects

Multiyear schedule for the use allowance payments for the capital costs for each local facility project is contained in the Judicial Branch Budget Memorandum.

|   |            |
|---|------------|
| 1. Bell County - Project Scope            | 6,393,200  |
| 2. Christian County - Project Scope       | 9,560,800  |
| 3. Project Pool - Project Scope           | 18,507,300 |
| 4. Henderson County - Project Scope       | 8,019,800  |
| 5. Kenton County Phase II - Project Scope | 4,515,600  |
| 6. Marshall County - Project Scope        | 7,383,800  |
| 7. Harrison County - Project Scope        | 6,152,000  |
| 8. Boone County - Project Scope           | 7,971,900  |
| 9. Fayette County - Revised Scope         | 62,500,000 |

|    |   |           |
|----|---|-----------|
| 1  | 10. Lyon County - Project Scope                               | 4,758,500 |
| 2  | 11. McCreary County - Project Scope                           | 5,183,100 |
| 3  | 12. ADA Pool - Project Scope                                  | 3,952,200 |
| 4  | 13. Harlan County - Project Scope                             | 5,857,400 |
| 5  | 14. Lewis County - Project Scope                              | 5,299,700 |
| 6  | 15. McLean County - Project Scope                             | 3,752,100 |
| 7  | 16. Lincoln County - Revised Scope                            | 2,260,000 |
| 8  | 17. Mason County - Revised Scope                              | 4,531,700 |
| 9  | 18. Franklin County - Lease Office Space (Millcreek Park)     |           |
| 10 | 19. Franklin County - Lease Court of Appeals (Democrat Drive) |           |

11 For any facility project occupied sooner than anticipated in the multiyear schedule,  
 12 the use allowance payments shall be approved from the Court Facility Use Allowance  
 13 Contingency Fund. In the event funds are not available in the Court Facility Use  
 14 Allowance Contingency Fund, the use allowance payments shall be deemed a necessary  
 15 governmental expense.

16 Construction of all court projects shall be in compliance with the standards as set by  
 17 the National Center for State Courts.

18 The Fayette County Courthouse project is expanded in scope from \$47,100,000 as  
 19 authorized by the 1996 General Assembly to \$62,500,000. Use allowance payments shall  
 20 be based on the expanded scope and shall be set at the annual level of \$4,000,000; of this  
 21 sum, \$500,000 is appropriated in fiscal year 1999-2000 from the local facilities fund as  
 22 use allowance on the Fayette County Courthouse parking garage. General Fund support  
 23 in the Local Facilities Fund is reduced by \$1,342,000 in the current biennium which  
 24 represents \$1,242,000 for 2 months' use allowance on the Fayette County Courthouse  
 25 building, which due to delays in construction, will not be occupied in the 1998-2000  
 26 fiscal biennium, and \$106,000 reduction to bring the annual level of use allowance on the  
 27 parking garage to \$500,000. Notwithstanding enabling legislation, the expanded project

1 authorization shall not be increased to exceed the authorized project scope of  
2 \$62,500,000.

3 Authorization is granted for the expansion of the Kenton County Courthouse  
4 Project from \$26,494,000, as authorized by the 1996 General Assembly, to \$31,009,600.  
5 Corresponding use allowance payments and related operating expenses totaling \$696,000  
6 shall be deferred to the next biennium.

7 Authorization is granted to expand the project scope of the Lincoln County  
8 Courthouse Project to \$2,260,000. The expanded project authorization shall not exceed  
9 \$2,260,000, notwithstanding any legislation enacted during the 1998 Regular Session that  
10 would otherwise permit such an increase.

11 New courthouse projects are authorized in Bell, Christian, Henderson, Harrison,  
12 McCreary, Marshall, Lyon, Boone, Harlan, Lewis, and McLean Counties, as well as, a  
13 project pool consisting of new or renovation projects in Allen, Bourbon, Casey,  
14 Hickman, Elliott, Menifee, and Webster Counties. General Fund support to provide use  
15 allowance payments and related operating expense is deferred to the 2000-2002 fiscal  
16 biennium on these projects, with the exceptions of: (a) Henderson County Courthouse  
17 Project, for which use allowance/net funding requirements are provided based on a June  
18 1, 2000 occupancy date, totaling \$491,000 in fiscal year 2000; and (b) Mason County  
19 Courthouse Project, which shall be funded from the Current Services budget in the Local  
20 Facilities Fund totaling, \$131,000 in fiscal year 1999-2000.

21 The unexpended balance in the Contingency Fund at the end of fiscal year 1998-99  
22 shall not lapse and shall be continued into fiscal year 1999-2000. If the use allowance on  
23 project cost over-runs exceeds available funds in the Contingency Fund, additional use  
24 allowance funding requirements shall become a necessary governmental expense.

25 TOTAL - CAPITAL PROJECTS BUDGET

|    |              |           |           |
|----|--------------|-----------|-----------|
| 26 |              | 1998-99   | 1999-00   |
| 27 | General Fund | 1,000,000 | 1,422,500 |

|   |                                 |             |             |
|---|---------------------------------|-------------|-------------|
| 1 | Restricted Funds                | 700,000     | 700,000     |
| 2 | TOTAL                           | 1,700,000   | 2,122,500   |
| 3 | TOTALS - JUDICIAL BRANCH BUDGET |             |             |
| 4 |                                 | 1998-99     | 1999-00     |
| 5 | General Fund                    | 153,097,100 | 168,927,200 |
| 6 | Restricted Funds                | 5,102,000   | 5,140,000   |
| 7 | Federal Funds                   | 610,000     | 444,000     |
| 8 | TOTAL FUNDS                     | 158,809,100 | 174,511,200 |

### 9 PART III

#### 10 GENERAL PROVISIONS

11 1. The director of the Administrative Office of the Courts with the approval of the  
12 Chief Justice may expend any of the funds appropriated for the court operation and  
13 administration in any lawful manner and for any legal purpose which the Chief Justice  
14 shall authorize or direct. No executive agency of state government shall have the power  
15 to restrict or limit the expenditure of funds appropriated to the judicial branch of  
16 government.

17 2. The Court of Justice shall not incur any obligation for any program against the  
18 General Fund appropriation contained in this Act unless that program may be reasonably  
19 determined to have been contemplated by the proposed judicial budget, as modified and  
20 enacted, and supported by the budget memorandum and other pertinent records.

21 3. Appropriation items and sums in this Act conform to KRS 48.311. If any  
22 section, any subsection, or any provisions thereof shall be invalid or unconstitutional, the  
23 decision of the courts shall not affect or impair any of the remaining sections,  
24 subsections, or provisions.

25 4. Any appropriation item and sum in this Act and in an appropriation provision in  
26 another act of the 1998 General Assembly which constitute a duplicate appropriation  
27 shall be governed by KRS 48.312.

5. KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

6. Notwithstanding KRS 45.229, any unexpended balance remaining in the Court's restricted funds accounts or federal accounts at the close of the fiscal years ending June 30, 1998, and June 30, 1999, shall not lapse but shall continue into the next fiscal year.

7. Proposed revisions to restricted and federal funds appropriations in this Act shall be made and reported pursuant to KRS 48.630(10). The director of the Administrative Office of the Courts shall notify on a timely basis the Legislative Research Commission of the most current estimates of anticipated receipts for the affected fiscal year and an accompanying statement which explains such variations from the anticipated amount.

8. The Chief Justice shall cause the director of the Administrative Office of the Courts to prepare a final budget document reflecting the 1998-2000 biennial budget of the Court of Justice. A copy shall be provided to the Legislative Research Commission and an informational copy shall be furnished to the Finance and Administration Cabinet within sixty (60) days of the adjournment of the 1998 Regular Session of the General Assembly.

## PART IV

## BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN

The Judicial Branch shall participate in any Budget Reduction Plan or Surplus Expenditure Plan in accordance with the provisions of KRS Chapter 48.